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SUBJECT: FM JEREMIC ARGUES BEFORE 76 UN MEMBER STATES THAT KOSOVO DI WILL SET GLOBAL PRECEDENT

¶1. (SBU) Summary. The Security Council met in a private session on February 14 at the request of Russia and Serbia to discuss Kosovo. Sixty-one non-Council members attended as observers. Serbian FM Jeremic, after failing in a last-minute attempt to convince the U.S. to agree to televise the session, delivered a strong statement calling on the Council, the Secretary-General and SRSG Rucker to denounce an expected declaration of independence (DI) by the PISG, saying that: 1) the Security Council should act urgently to condemn this intention of the Kosovars to carry out a DI; 2) Rucker should receive clear instructions to use his reserve powers in the Constitutional framework of the PISG to nullify a DI and that he should also dissolve the Kosovo Assembly for violating UNSCR 1244; 3) and that KFOR should continue to remain status neutral. Speaking immediately after Jeremic made his emotional appeal, Russian Permrep Churkin detailed a dozen supporting legal references. In a rebuttal, a much more combative Jeremic took strong exception to the positive comments of several members to the Ahtisaari Plan, asking "what besides might will force implementation" of the Ahtisaari plan after it was not adopted by the Council? The US, UK, France, Italy, Belgium and Croatia all conveyed the message that the Security Council is blocked and that it is time to pursue other options. End Summary.

JEREMIC MAKES DRAMATIC APPEAL AGAINST DI

¶2. (SBU) Security Council members met in a private meeting on February 14 at the request of Russia and Serbia to discuss Kosovo. 61 non-Council members participated as observers. In a long, rhetorical intervention, Serbian FM Jeremic argued for the continued primacy of the Security Council in resolving Kosovo's status, saying that the Council was routinely ignored during the Cold War, but that such a time had now passed. Jeremic announced that Serbia had received reliable information that the Provisional Institutions of Self-Government intend to "unilaterally and illegally declare independence from the Republic of Serbia in the coming days."

He alleged that this would violate UNSCR 1244's reaffirmation of the sovereignty and territorial integrity of a UN member-state, charging that Security Council members, along with all UN member states, have a binding Chapter 7 obligation to respect Serbia's sovereignty and territorial integrity. Jeremic stated that Serbia's government and National Assembly would declare the PISG's action null and void and that Serbia would undertake "all diplomatic, political, and economic measures designed to impede and reverse this unprovoked attack on our sovereignty." However, Jeremic did explicitly rule out the use of force and called

on Pristina to engage in a process to find a compromise solution on status. He averred that the "forcible partition of a UN member state" would set a global precedent and claimed there are "dozens of Kosovos around the world, just waiting for succession to be legitimized." Jeremic declared that Serbia would never accept Kosovo's independence and that "Kosovo shall remain part of Serbia forever."

13. (SBU) Jeremic said that in light of the grave situation Serbia called for the following actions: 1) the Security Council should act urgently in condemnation of the intent of the Kosovars to carry out a DI; 2) SRSG Rucker should receive clear instructions to use his reserve powers in the Constitutional framework of the PISG to nullify a DI and that he should also dissolve the Kosovo Assembly for violating UNSCR 1244; 3) and that KFOR should continue to remain status neutral. Jeremic also argued that the EU-led mission to Kosovo requires a Security Council mandate. Near the end of his intervention, Jeremic said that he was ready to be blunt and un-diplomatic because Serbia had suffered enough and was tired of seeing people "hide behind the mistakes of the past to justify abuse today." He concluded by stating again that Kosovo would remain part of Serbia forever.

RUSSIA PLAYS HOUSE COUNSEL TO SERBIA

14. (SBU) Russian Permrep Churkin drew heavily in his intervention on references to Security Council and other documents to buttress the appeal made by Jeremic. He stated that a DI would violate Article 24 of the UN charter, UNSCR 1244 (11 a and e and Annex II, point 8) and would be inconsistent with the Helsinki Final Act and the Constitutional Framework. Churkin insisted that a DI would

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also be inconsistent with the Common Document between UNMIK and Belgrade of 5 November 2001 and PRST/2001/34. He also argued that the situation in northern Kosovo is particularly concerning because Serbs there will not recognize a DI. Reiterating an argument made in Russia's recent paper to the EU, Churkin said it is not possible "to violate resolution 1244 and act under its authority at the same time" and discounted pseudo-legal attempts to reinterpret it.

15. (SBU) Churkin continued that Kosovo might become a European problem with EU integration, but claimed that for now its an international problem. He said the Troika had achieved positive results in establishing direct negotiations between Pristina and Belgrade and that the Kosovar Albanians never explained why it was not possible to reach agreement on that basis. Churkin stated sarcastically that American and EU references to Pristina's impatience sound as if "they have never heard of the Palestinians or, let's say, the West Sahrawi." He asserted that a workable solution could be found on the basis of a decision of the Security Council, a view he claimed is shared by several Council colleagues and even politicians in the U.S. and Europe who are "not shackled by the 'office discipline'." Churkin also made a reference to a resolution of the Parliamentary Assembly of the Council of Europe from January 22, 2008 that contains an appeal to continue negotiations between Pristina and Belgrade. He concluded by reminding the Council that Russia's roadmap proposal is still on table.

REST OF COUNCIL EVENLY DIVIDED

16. (SBU) South African permrep Kumalo stated that his country's consistent view has been that more time is needed to address the Kosovo problem properly because it is one of the most complicated issues facing the Security Council and the international community. He stated that South Africa is a member of the UN, the Non-Aligned Movement, and the African Union, all of which uphold the territorial integrity of sovereign states. Kumalo concluded that a DI could have consequences all over the world.

¶ 7. (SBU) French Permrep Ripert stated that the Security Council had discussed Kosovo many times and it had become clear in December that it is blocked. Therefore, he said it is natural to turn to the Ahtisaari Plan, which was broadly supported in the Security Council, and "give Kosovo the status it has a right to expect." He reminded the Council that interim status was not meant to last forever. He said the EU would respect international law under 1244 and pointed to the recent re-election of President Tadic as a sign that Serbia wants a European future.

¶ 8. (SBU) Vietnamese Permrep Minh stated that Vietnam supports dialogue under the UN charter and the sovereignty and territorial integrity of states. Minh called on the parties to exercise constraint and come to an agreed solution.

¶ 9. (SBU) Belgian DPR Belle reminded Council members that the EU had said in its December statement that it supported the idea of a prosperous, stable Serbia that is integrated into the EU. Belle underscored that stability is the main factor in EU decisions, including in Kosovo. December's Security Council meeting confirmed that the Council is deadlocked and the status quo is not an option, he said, also stating that pursuant to resolution 1244, the EU had taken action to assume its responsibilities.

¶ 10. (SBU) Indonesian Permrep Natalegawa noted stark differences in views among Security Council members but said the UN Charter is about stability so the Council should not shy away from the message that any solution should be peaceful. A compromise solution through negotiations requires patience and time, he said. A DI without the consent of a sovereign state would demonstrate there had been no solution and could have global ramifications.

¶ 11. (SBU) Chinese Permrep Wang spoke against unilateral actions and called for a mutually acceptable solution through diplomatic means. Wang argued Kosovo is a European question and said China hopes the EU will focus on constructive efforts to find a mutually acceptable solution. Wang also

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stated that negotiations require patience.

¶ 12. (SBU) Croatia's Permrep stated that in the past his country had expressed hope for a mutually acceptable solution but regrettably this had been unachievable. He said the role of the EU is crucial as Kosovo falls in the natural scope of the EU's engagement. He also said Croatia supports EU actions to take on greater responsibilities in Kosovo and calls on the parties to avoid any action that damages the humanitarian situation.

¶ 13. (SBU) UK Permrep Sawers stated that Jeremic had made an eloquent speech but drawn selectively from history and ignored the events of 1998 and 1999. He stated that Council debates from December and January had made it clear that we are blocked. Sawers stated that Ahtisaari's proposal for independence subject to international supervision is the best way forward. Sawers argued that nowhere in UNSCR 1244 is the scope of Kosovo's final status solution defined or delimited. Sawers declared that nothing said in the day's Council session had changed the reality that the body is deadlocked and action has now moved to the ground and to Brussels. The EU and NATO have both expressed their readiness to offer support.

¶ 14. (SBU) Costa Rica's Permrep Urbina stated that his country supports a peaceful and negotiated solution to Kosovo's status but no violence if a DI occurs. He said Costa Rica wants substantive negotiations between the parties so the region can have a promising future.

¶ 15. (SBU) Speaking for the US, Ambassador Wolff recounted the history of the status process and the blockage of the

Security Council. He also pointed to the tragic history of the Milosevic era and the need to move beyond it integrate Serbia into Euro-Atlantic institutions. Wolff noted considerable progress in standards implementation and the responsible actions of Kosovo's authorities but expressed concern vis-a-vis Belgrade's attempts to stir up tension by limiting Serbian participation at the local level in Kosovo and opening a ministry office in Mitrovica. Wolff called on Serbia and Russia again to support the immediate implementation of the Ahtisaari plan. He also underscored the *sui generis* nature of Kosovo. Amb. Wolff's complete statement is available on the USUN website:

(http://www.usunnewyork.usmission.gov/press_releases/20080214027.html).

¶16. (SBU) Permrep Attalhi stated that Libya had always supported a negotiated solution and called for more time. He said Libya supports international law and territorial integrity for all in the region and does not want Kosovo to go back to its pre-1999 status, but is concerned by the possibility of unilateral action. Attalhi called for more negotiations leading to a compromise solution.

¶17. (SBU) Burkina Faso's Permrep Kafando stated that he regretted that more UN members who might have wanted to be present had not been informed of the day's meeting. He recommended the pursuit of dialogue and stated it is "never too late to do the right thing."

¶18. (SBU) Panamanian Permrep Arias said that he had understood Jeremic's arguments for the principles of territorial integrity, the UN charter and UNSCR 1244. He stated, however, that all must realize that the principles of sovereignty and territorial integrity evolve with historical circumstances. Arias said Panama believes in the importance of regional organizations and, therefore, will be guided by the EU on Kosovo. Panama would have preferred negotiations leading to a solution, said Arias, but after many meetings does not think a Security Council solution is possible. He concluded that UNSCR 1244 is very difficult to implement because it is a resolution with no timetable in a constantly evolving situation.

JEREMIC'S FINAL INTERVENTION

¶19. (SBU) In a final rebuttal, Jeremic expressed gratitude

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that a majority of Council members supported for more negotiations even though "the minority that did not is very powerful." He declared that Serbia is ready through peaceful dialogue to establish a solution for Western Balkans once and for all. He charged that Kosovo is not unique and that observers from every continent who were present at the day's meeting all had concerns about the precedent Kosovo would set. Responding to references to the Ahtisaari Plan by some Council members, Jeremic said flatly that the plan had not been accepted so by what right should it be enforced? "Just might," he concluded. Precedents cannot be debated, Jeremic asserted, because "they just happen." He asked the Council what is to prevent tomorrow some other plan by an ex-President that is rejected by this body from being implemented in some other region by a strong country that decides it likes this plan?

WOLFF